

Of the Right of
TITHES.

A
Divinity Determination in the Publike
Divinity Schools of the University
OF
CAMBRIDG:

By the Right Reverend Father in GOD
Lancelot Andrews:

Late Lord Bishop of WINCHESTER.
When he proceeded Doctor in Divinity.

Translated for the benefit of the Publike.

1 COR. 9. 13.

*Do ye not know that they which minister about holy things,
live of the things of the Temple? And they which wait at
the Altar, are partakers with the Altar?*

*Verf. 14. Even so hath the Lord ordained, that they which
Preach the Gospel, should live of the Gospel.*

London, Printed for *Andrew Hebb*, at the Bell in
S. Pauls Church-yard. 1647.

TITHS.

A
Dedicated to the University
of Cambridge

OF

By the Right Reverend Father in God

Late Lord Bishop of Winchester.
When he proceeded Doctor in Divinity.

Translated for the benefit of the Publick.

1691.

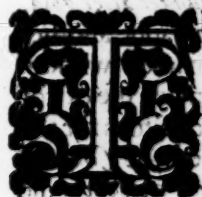
Printed by J. Streater, at the Sign of the Gun, in
St. Dunstons Church-yard, 1691.

Printed by J. Streater, at the Sign of the Gun, in
St. Dunstons Church-yard, 1691.



TITHES

Ought not to be abrogated.



That such, anciently were the manners
of men, and such the times, wherein
the condition of the Priesthood was
sumptuous, and most flourishing, not
only with those truly excellent Or-
naments of Learning, but also with
those of Riches and Preferments. History

the witness of Truth is a sufficient evidence: Among the
Heathens, Theophrastus is my Author, That instead of the
Tithe (wherin notwithstanding we take our selves to be
very bountiful) the thirds were paid. Among the Jews,
Philo reporteth, That the wealth of the Carban was
oftimes the object of envy to the neighboring Kings.
Among the Christians, as in other Nations, so truly in
this our, it is certain, That the desire to increase the
Revenue of the Clergy proceeded to such a height, that
it was greatly to be feared, lest the Church should swal-
low up the Common-wealth: That therefore it was rea-
sonably taken into consideration then, (and so is now,
when there is little need of caution) that no Lands
should be bequeathed in Mortmain, i. e. to sacred uses,
without the Royal Patent. Such anciently were the

L. 9. de
Placitis, c. 4.

manners of men, and such the times. While mens manners, and the times were such, a disputation touching the right of Tithes was nor doubtful, nor necessary. But at length in this our age, when, as commonly old men so, the world growing old, is wholly set upon money, there is a general *chiragra*, an epidemical *Gout* in the hand. There are no improvements to the *clergy*, would that were all: there are frequent impairings. I say, frequent impairings; and I wish it might onely be said, there *are*; and that there might never be cause of using the *future tense*. But to this humor of the present age, (wherein, what for that *unholy hunger after gold*, there is nothing esteemed Holy) we may add another Error, That those *Worthies*, not to be named without all honorable respect; whose help God made use of for the Reformation of Religion, were very solicitous for the Reformation of Doctrine, but less attended the Churches *Patrimony*; and almost said what the King of Sodom did to Abraham, Give us the souls, and take the rest to you. But as they, who thought they should finde the Baptist in Kings Courts; so they, who thought they should finde Abraham there, were both deceived.

Gen 14:
21.

Luke 7.25

Prov. 14 4

Which Error, though a small one, (and a small one indeed it is, if we compare it with those great and famous acts performed by them) yet, we may justly fear, will lie heavy upon succeeding Ages; in which true-hearted honest men (from that of Solomon, *Where no oxen are, the crib is clean*) presage Barbarism, or somewhat worse, which I will not speak of; falsely perchance, and I pray God it prove so. but not rashly, I am sure, not without cause. And indeed they ought to have withstood the beginnings (as we say) and have snatched this sweet bit from this eating and drinking Age, which perverts all to most detestable use; and have taken

taken care not onely of *increasing the light*, but also of *allowing oil*. Which because not done, this evil spreads daily more and more; and the *devourers of Church-Revenues* whisper up and down in corners, as most an end the maner is, that the *Church* may be impleaded and sued for the remainder of *Tithes*; and thereupon finde out new quirks to put *Her* in a worse condition; then, talk of a stipend: Finally, for turn themselves on all sides, that the *Clergy* may at last say it to their sorrow, *Their sowing or their mowing is nothing to us*. To pass by *other things*; as lost and gone by *prescription*; I shall make bold to plead for *Tithes* and shall thereupon challenge them, who are otherwise minded; and prove that the *Tithes*, of the yearly comings in, are by the highest equity due to the *Clergy*; and that no *Parliaments*, no *Lords or Commons* can settle that affair more wisely, then it was of old provided for by the *Sacred Law*; then *God*, the *Lawyer himself* (so absolute, that *Justinian* is no body to Him) had proclaimed many ages since.

I am to treat of a hard point, nor is there any by whose candle I shall light mine: wherefore it will be your part, *Reverend Brethren*, if I shall compass my designe, to do as you do; but if I shall fail, or come short of it, to vouchsafe your pardon, as is meet, to me the first that make experiment.

Tithes ought not to be abrogated.

I Need not explain terms. Who knows not, what the *Tithe* is, *one part of ten*? Or who doubts, what it is to *abrogate*? Either, to *unsettle*, what is settled by *Law*: or, in stead thereof, to appoint a *stipend*. Let us therefore set about the businesse.

What *Christ* did in the cause of *Divorce*, I conceive to be of great concernment. First of all to inquire, how any matter stood in the beginning. In the flux of time many things are changed: The beginning is the most certain Rule and Judge.

Argu. I.
Gen 14. 10
Heb 7. 2.
וְהָיָה אֲבְרָהָם
וְהָיָה אֲבְרָהָם
וְהָיָה אֲבְרָהָם
וְהָיָה אֲבְרָהָם
וְהָיָה אֲבְרָהָם.

Heb. 7. 5.

I demand therefore, who was the first that received *Tithe*? That great man *Melchisedek*, to whom *Abraham* gave the *Tithe* of all. *Melchisedek* received *Tithe* from *Abraham*; but were they free, or due? Voluntary, or by Law? If free and voluntary, the Argument is of no force, and the *Apostle* puts a trick upon the *Hebrews*, when he compares the *Levites* with him. For the reason is not alike: The *Levites* require their *Tithe* by Law, for they have a commandment to take *Tithe* of the people: *Melchisedek* his, because *Abraham* would, not because he ought. Again, if this service were voluntary and free, *Melchisedek* were no whit better than *Abraham*. For what hindereth but that I may debase my self, and do voluntary honor (if I please) even to my inferior? My civility indeed would be the more commended. But if, upon both these considerations, this were absurd, it follows that he paid *Tithe* not as a volunteer, but as they were due by Law. Concerning the Law then, I demand again; By what Law? Not of Sacrifice; for he offered none: of Blessing then, it's clear. For there is a coherence betwixt these two; *Melchisedek* blessed, and *Abraham* paid *Tithe*. Now I assume. *Tithes* are due to *Melchisedek* blessing. The same right remaineth under *Christ*. How can that be made to appear? Out of the 12. verse of the 7. Chapter to the *Hebrews*. There is no change of the Law, but by the change of the Priesthood. But there is the same Priesthood of *Christ*, and of *Melchisedek*; for which, if need be, God himself will give us his oath. Therefore there is the same right under both.

both. Tithes therefore are due to *Christ*, in whom, and from whom, and by whom we are all blessed: He himself blessed for ever. Which, it is but equal, that they should receive in the name of *Christ*, who blessed us in the name of *Christ*. For even *Melchisedek's* blessing was but from man, though in the person and name of *Christ*. Therefore the right of Tithes remaineth under *Christ*.

I had not thought there had been any born with so unfortunate a genius, under so unhappy a planet, as to say, that Tithes were paid to *Melchisedek* as a King. But I have found one that saith so; see you, how without all reason. 1. The Levites have rights to Tithes: They have, as *God's Priests*: 'Tis true, they are: But are they *God's Priests*, as *God* is a King? O what a multitude of Kings should we have! 2. *Joseph* saith not that Tithes were paid to him as making a royal banquet, but as blessing; which notwithstanding should have been said, if they had been paid to him, under that notion, as symbols of that power. 3. The Apostle, upon that payment of Tithes, grounds not his Kingdom, but his Priesthood. 4. Lastly, there are as many Adversaries to that opinion, as Interpreters: even the Rabbins themselves, whose that gloss is [because he was a Priest] therefore *Abraham* gave him Tithes. You see the force of the Argument: And this you likewise see, that, whatever is brought against it, comes miserably short.

I shall pass from *Abraham*; and yet not far. My next reason shall be from *Isaac*, who was also the Father of the faithful, from whom we received the surname of the Israel of God: and of whom, I doubt not, but, what Saint Peter concerning *Sara*, (as she obeyed) the like will you conclude. He therefore, vows a vow. If she the Lord will be with me, and keep me, and will give me bread to eat, and raiments to put on: Then, of all that he shall give me, I will

1 Pet. 3. 6.

Gen. 28.

10, 11, 12.

will surely give the Tithes to him. You will grant, I know, that this was no Will-worship; for then *Jacob* should have ~~worshipped~~ what the Lord had disavowed. Therefore, doubtless, he relied upon the Divine Will: the command is the interpreter of that will. Moreover, the reason of the command must necessarily be this: On whom the Lord shall bestow such favors, as he did on *Jacob*, he must be bound to the Lord by the same Law. For, unless it were so, the reason of the command would be uncertain; and so the command; and so the consequence; and so, finally, the Law it self. But if this reason be full of reason, and the equity thereof, as it meet, extend it self to all; is there any man will deny this Law was made for him, who shall confess, both, that he received all from God; and ought to return them to God again?

Num. 18.
31.

2 Chron.
31. 4.

And this reason may satisfie any private man, why he should pay; and that assigned by God, why the Clergy should receive Tithes; Ye shall eat it in every place, ye and your households, Because it is your reward for your service: As also that of King *Hezekiah*, That they might be incouraged in the Law of the Lord. The conclusion in both places is this, Let them receive Tithes: which in both places would be weak, if the major proposition be not universal. Tithes is the reward of service; Tithes belongs to them who attend the explication of the Law. Otherwise the Patriarch *Jacob*; If; and the Prophet *Moses*; Because, and King *Hezekiah*; That, would all totter. But if they do not, then, doubtless Tithes are the reward of the Priesthood. Let all, that give themselves to the exposition of the Law, receive Tithes. The reason is evident.

I adde this further: Since Gods blessing of his goods is the medium that *Jacob*; the reward of the Priests service the medium that *Moses*; the study of the Law the medium

medium that *Hosekiah* useth; and these three are perpetual, nor circumscribed by place, nor defined by time, but belonging as well to *Christians*, as to *Pows*; there will be the same condition of the precept: For it is truly and wisely determined by the *Lawyer*, *As is the reason of the precept, such is the precept it self.*

The third reason is taken from the Prophet *Malachi*, *Argu. 3.* where the observation of this Precept is established with *Cap. 3.* a solemn blessing, and the violation with a severe and *y. 9. 10.* bitter curse. And indeed if Tithes were ceremonial, as some are very earnest to have them, the Prophets would cast them away; would never urge them so carefully; they would suffer them to wax cold; would never speak of them so highly. This is not their usual manner: but, if the ceremonies were never so carefully looked to, not to promise so great happiness; nor, if neglected, to threaten so sore judgements. And least any should think this reason to no purpose, the Fathers used no other in the Council of Tribur. Tithes are to be paid, *Cap. 13.* that God being appeased by this our devotion, may more plentifully bestow those things that are necessary. The Fathers in the Synod of Mentz no other. Tithes are *Cap. 11.* to be paid; for it is to be feared, that if any take away what is due to God, God will, for his sin, take away necessities from him. Saint *Augustine*, a substantial *Hom. lib.* Author, no other. Our forefathers abounded with wealth *50. 6. 48.* (and it is not perfunctorily to be passed by that he saith (our forefathers) Tithes therefore are ancienter then Saint *Augustines* time) because they paid their Tithes to God: but now because our devotion to God is decreased, the comings in to the Exchequer are diminished: We would not part with the Tithes to God, therefore now all is taken away. The Exchequer takes away that, which Christ doe's not receive.

I pass by Saint *Ferome*, as too prolix, who yet was the first who prosecuted this Argument in his *Annotations* on the *Prophet*.

But, because it is an easie matter to finde *Tithes* under the Law, and the credit of the *Old Testament* is in this point suspected, go to, let us seek in the *New*, and let our foot on that ground which seems most slippery to contest on.

Argu. 4. And first of all I object that place of Saint *Matthem*,
Matth. 23. the words of Christ himself: *These ought ye to have done, and not to leave the other undone.* This place I do not, (for why should I assume that to my self, which is none of mine?) the *ancient Church* urgeth thus. *Tithes*, which Christ himself hath commanded not to leave undone, the decrees of Princes ought not give order to leave undone. Now who knows not the assumption? But this Reason hath the greater strength, because, when, in some places before, the discourse first; and afterward the practise of washing of hands, of rubbing the ears of Corn, and other ceremonies had been saide upon, Christ, not unwarily, omiteth those particulars, defendeth their omission of them, and, which is more to be wondred at, doth himself authorize the people to omit them. But, concerning this of *Tithe*, his words are express, *Ye ought not to leave them undone.*

Nay, which is of more weight yet, when the discourse was of matters of greatest importance, of *mercy* and *judgement*, and that in the same *Paragraph* (as I may say) he makes a law, as for the *doing* of the one, so, for the *non-omission* of the other. What seek ye more? No man can easily imagine, in how great esteem this Argument was with the *Primitive Church*.

I shall give you two of many. One whereof shall speak

Speak for the *Greek Church*, the other for the *Latine*. Saint *Chrysostome*, his words are these: *Worthily doth our Saviour adde, These things ought ye to do; for Alms is a Tithe.* Now *Alms* cannot hurt possibly. For we ought not to do them, as observers of the Law; neither doth he say we ought; But *these things* ought ye to do. For when formerly he disputed of clean and unclean, He added not there, *these things* ought ye to do: but manifestly he overthrew them. Wherefore, Brethren, he speaketh of Tithe, *These things* ought ye to do; but concerning their Washings he speaketh not so: The words, as you see, are a little differing, the sense is not differing.

Hamil 73.
in S. Matth.

Now hear Saint *Augustine* in his *Enchirid*: to *Laurentius*, cap. 76. *Wo be to you, Pharisees, who Tithe every Herb: As if he would say: Indeed I exhorted you to give Alms, by which all things would be clean unto you; But wo to you who Tithe Herbs. For these I knew to be your Alms, think not that I admonished you concerning them.* And a little after (for it would be troublesome to put in all:) But lest he should seem to refuse those Alms, which are given of the fruits of the earth, These (saith he) ye ought to do, that is, Judgement and Charity; and yet, nevertheless, not to omit the other, that is, Alms of the fruits of the Earth. I need adde no gloss.

I study brevity: and put you in minde of one thing, (though there be no need, I know, ye observed it) that Tithes both by *S. Chrysostome* and *S. Augustine* are referred to the common-place of *Alms*. Some are of another opinion: I will not greatly contend; for I had rather it should be accounted a *sacred Tribute*, then *Alms*. But this place is safe enough: And by it they gain thus much, that *Tithes* ought not to be abrogated.

I proceed now to the fifth: And, or I am much deceived, it may be concluded from *S. Paul*, That Tithes

Argu. 5.

are to be retained even under Christ.

In the sixt chapter to the *Galathians*, verse sixt, *Let him that is taught in the Word, communicate to him that teacheth in all good things.* Which words seem to me to sound like those in the seventh chapter to the *Hebrews*, verse the second, *He gave the tenth of all*, like those, *Gen. 14. 20. of all, in all, what difference?* that it may be no light conceipt, that the Apostle doth allude to that of *Genesis*: and that he doth covertly insinuate that communication, which was used by *Abraham*, who is to be imitated in all things, as much as may be, by the children of his Faith. But what if so? That precept, which doth best provide for communication in all good things, is not to be antiquated; And there is no question to be made, but that was a *Law for Tithes*. For by that, there is a *true*, and (if by your leave I may, I will say) a *real* communication of all good things, both of Fruits, and of all other productions, of the Earth, of Plants, of Beasts; you may by your selves make up the rest of the Induction. Substitute in place thereof a stipend, payment by the Poll, or a rate upon Houses, there will be many Errors; part will be concealed, part will be subtracted; I dare say, there will be no communication in all good things. Lastly, though all possible caution be used, the communication of a Pension will be onely Analogical; But I have learned long since, and nature, law and reason perswade thus much, that, where we may have the *Thing it self*, we should not trouble our selves about the *Analogy*: Wherefore in the communication betwixt the Pastor and his Flock, if the truth it self of the *Thing*, of the *Communication*, may be had in all good things, (and it may be had) those *stipendiary proportions* are not to be sought after, or rather (for that is too little a great deal) are utterly to be rejected.

Further,

Further, Let this be a sixth Argument. That *Political Argu. 6.*
Law concerning *Tithes* did sometime binde the *Church*:
 it cannot be denied. But it was never made voide:
 Therefore it binde *now* too. What things were *aboliſh-*
ed, the *Apoſtle* ſheweth, *Ephes. 2. 14.* Thoſe things which
 were the middle partition wall, firſt, betwixt God and
 man; ſecondly, betwixt man and man, *i. e.* the *Jews*
 and *Gentiles*. We are excluded from the firſt member
 of the Division; for God commanded *Tithes*: there-
 fore they do not diſpleaſe him. And alſo from the lat-
 ter; for there was peace on all hands, in the point of
Tithes; which the *Heathen* did pay annually to their,
 (as I ſhall ſhew anon) as well as the *Jews* to their
Prieſts. But that the other part of the *Political Law*
 was excepted; this may be an Argument, becauſe it is
 eſteemed by King *David*, *Pſal. 147. 19, 20.* a great
 bleſſing: And I ſhall hardly be brought to beleeye that
 the death of *Chriſt* deprived us of any bleſſing. Beſides,
 if it were wholly cancelled, Saint *Paul* offended againſt
 the Rules of Law, when in the *1. Cor. 9. 13.* he brought
 a teſtimony from *Deut. 18. 1.* that is, from an antiquated
Law. But that controverſie runs into another: I will
 not proſecute it.

But this I will, out of the ſeyenth to the *Hebrews*, verſe *Argu. 7.*
 eighteenth, which ſhall be my ſeyenth Argument. And
 it is if I miſtake not, as a moſt fair place, ſo, moſt ap-
 poſite to this Controverſie. There is verily a diſannulling
 of the commandment going before, for the weakneſſe and un-
 profitableneſſe thereof. So that no Law is to be antiquated
 or diſannulled, which is not either weak or unprofitable.
 The Law concerning *Tithes* is a Law going before, an
 ancient Law: Let any man ſhew me either the weakneſſe
 or unprofitableneſſe thereof, I will joyn hands and grant
 the cauſe; let this Theſis paſſe the ſponge for me. But

this Law hath *strength*, as much as any Law, ever had, is like to have, can possibly have, from the *Author, consent, multitude, custome*; and that, lastly, not the *mute or silent*, but the *express and clear approbation* of all Ages. And its *use* too: for it hath a long time been employed, without complaint of any, to that *use*, to which it was appointed: and, unless the sinews of it had been cut by certain *Improper Proprietaries*, it had been better imploy'd, neither would the *Church* have ever complained in that point.

Argu. 8. On the other side, (which shall be my eighth Argument) with how unhappy success hath it been *changed* in some places? And where *stipends* are substituted in lieu of *Tithes*, how many *deceits, difficulties, complaints*? How many weaknesses and unprofitablenesses? *This*, where *Tithes* are yet intire, may easily induce us to this opinion, That they ought not to be repealed; and where they are repealed, that they ought (unless it be wholly impossible) to be revoked. *Geneva* payeth forty pounds, a poor matter, God knows; yet it is *Calvins* complaint in many places of his *Commentaries* (modest enough, as became him, but loud enough) that the stipends were but niggardly paid. In the sixth to the *Galatians*, and the fourth seventh of *Genesis*.

Scotland also hath exempted it self from *Tithes*. There is in print a complaint of *John Knox*, exhibited in the name of the *Ministers* to the *Parliament at Edinburgh*, Anno Domini 1565, December 25. When I read the eighth leaf of it, it pities me for them: I say no more, but what the Boys use to sing, *Felix quem faciunt, &c.* Happy they, whom other mens harms make to beware.

Argu. 9. Those Fathers, whom I lately named, provided much wiser in this point, both for themselves and us. I come to them. We have had Arguments enough from holy

holy Scriptures : And there is none of you (I hope) but will willingly admit the *Practise* of the whole Church for an Argument. I touched it lightly before : now I apply my self wholly to that. I say, of the whole Church : I change not a word. And, first, of the *Aphrican* : for which let Saint *Augustine* the glory of *Aphrica* speak, in his 219 Sermon, *de Tempore*, which is wholly and professedly upon the point of paying Tithes. He begins thus. *By the favor of Christ (Christian Brethren) the dayes are now at hand, in which we ought to gather in the Harvest, and therefore let us give thanks to God who gave all, and think of offering, or rather paying our Tithes :* (and a little after :) *For we offer Tithes of Duty, and he that will not pay them, takes by force that which belongs to another.*

You shall have at once both the *Practise* of the Church, and the *opinion* of the *Fathers* touching this matter. Of the *Italian Church* : but for that let Saint *Ambrose*, the Bishop of *Millan* speak, in his *Sermon of Lent*, (as it is quoted in the *Decrees*) *Whosoever shall call to minde by himself, that he hath not paid his Tithes faithfully, let him now amend what he did amiss. But what is it to pay faithfully, but not to offer either worse, or less then is due of your Corn, Wine, Fruits, Cattle, Garden, Trade, Hunting ? For he that will not pay to God the Tithes, which he holdeth, nor restore to man what he hath unjustly taken away, doth not as yet fear God, and is ignorant what true Repentance is. Let these suffice for the Western Church.* P. 1. C. 13
Q. 2. 7.

And Saint *Chrysostome* for the *Eastern*, *If this were the manner under the Old Testament, how much more under the New ? For what did not they do ? They paid Tithes, again and again, to the Orphans, to the Widows, to the Proselytes. But some haply may wonder and say, Such a man paid Tithes : what a shame is this ? if that which was no wonder among the* Hom. 4. in
Epist. ad La-
pbes.

the Jews, should be a wonder among Christians. If there were danger in it to leave Tithes unpaid then, consider what it is to leave them unpaid now.

For Saint *Jerome* I am in suspense, which Church to attribute him to, but will not exclude him though: For he will be a most full witness, as being one who had seen most mens manners and most places. Thus he on the third of the Prophet *Malachi*. (For I pass by his *Epistle* to *Nepotian*, where he saith that he lives of Tithes.) The words are these. *What we said concerning Tithes, which anciently were paid to the Priests and Levites; understand that the same ought to be done by the people living in the Church under the Gospel, to whom it is commanded; not onely to pay Tithes, but also to sell all and follow the Lord. Which if we will not do, let us at least imitate the Jews in this, to give part of all, and give that which is due unto the Priests. Which whosoever shall not do, is sufficiently convicted to defraud and supplant God, and is cursed with scarcity and want of all things.*

Very well, all this is true, they say. But the Church was now in peace, and began to set her minde, too much, on Riches. But what say you of that other, under the Cross? Of that, which was so full of glorious Martyrs? Although it be an unjust demand, that the Church should be in no better condition when flourishing, then when afflicted, yet they shall not scape so: To that I apply my self. The same did the Church ever think concerning Tithes, both, when she suffered persecution, and when she was free from it.

*Epist. 66. ad
Favrit.*

For the Western Church let Saint *Cyprian* speak. *which very reason and form is now held among the Clergy, that they who by Clerical Ordination are promoted in the Church of God, should not depart from the Altar and the Sacrifices, but receive Tithes of the fruits of the earth under the honorable*

name

name of the Brethren who live of the *Sportula*, i. e. of the Oblations of the Church.

For the Eastern, let Origen who was ancienter then *Hom. 11. in S. Cyprian. How then doth our righteousness exceed the righteousness of the Scribes and Pharisees, if they dare not taste of the fruits, before the Tithes be set apart for the Levites, and I, doing no such thing, so abuse the fruits of the earth, that the Priest knoweth not, the Levite is ignorant, and the Holy Altar partaketh not, of any such performance?* And then he concludes: *This we have spoke to this end, affirming that this command (concerning Tithes) ought to stand even according to the Letter.* And before Origen, S. Clement of *Stromat. 2. Edu. Piron. f. fol. 155.* Alexandria (who was neerer to Christs time, and almost touched upon the first Century) speaks full to this. *The paying Tithes of our Fruits, and of our Cattle, teacheth us Piety to God, and not to be altogether in love with gain, but to make the Priests partakers of our loving affection, and charity.*

Now I think these passages may satisfy the desires of the most unreasonable, to shew the intent and custome of the Church. But if any shall object, and say, private men thought so indeed, the sentence of particular men is oftentimes sudden, and, what the heat of their brain shall suggest to them, that they set down in writing: No news of any deliberation, disputation, determination all this while: All these are indeed in Councils: Shew it there if you can. I will take them at this challenge; and onely with they would be bound to stand to them.

And to begin with a Council in England, in the year 670 *Arg. 10.* and 73, under Theodore Archbishop of Canterbury. In the second Canon thereof, provision is made concerning Parishes; now Parishes and Tithes (if we may beleeve the Canonists) are reciprocal. But this is more yet, That
C they

they wholly subscribe to the Council of Chalcedon, in which Tithes are confirmed. Which two things do sufficiently prove, That both the payment of Tithes, and the division of Parishes were anciently among us, and that they are not such upstarts, as some fondly have imagined. About the same time also was a Council summoned at Meuz, in the seventh Chapter whereof, we read thus. We admonish and command, that Tithes, which God hath appointed to be paid to him, be in no case omitted to be paid : and they adde this Penalty, *Whosoever shall after due admonition neglect to pay Tithes, let them be excommunicated.*

The second at Mafion, almost 200 years before that, Cap. 5. *The Divine Laws have commanded Tithes to be paid, which Laws all Christians have a long time kept inviolate. And it concludes thus : we do therefore ordain that the ancient customs of the faithful be restored. But if any shall be obstinate, let him be for ever separated from the Members of the Church.* Before that, the first at Aurange, cap. 17. *Concerning Tithes thus we ordain, that every year the Fourth, or every Fourth year the whole Tithes be paid to the Bishop.* It pass by the second at Toledo, and the third at Arles : I come to that at Chalcedon, one of the Four first and principal. Touching which, we read thus in the fourteenth Chapter of the Council at Eriour. It hath pleased this Council, *That Tithes and all other their possessions be preserved to the ancient Churches, as was decreed in the Holy Council at Chalcedon, cap. 17.*

You have heard the Councils speak : and that upon mature deliberation, disputation, determination ; that they did establish, not define ; confirm, not appoint, Tithes ; that they were formerly granted by private consent, and suffrage of the Ralt, as they speak ; before they went to the Councils. For subscription in the first Council ;

Council; Admonition in the second; Prescription of long time in the third; Conservation and penalties in the fourth; do import rather an approving and ratification, then an indictment or appointments of them.

But now forsooth, all the Question is about the *Law*, *Argu. 11.* or *Law*; and thence we must derive either the *Institution* or the *Abrogation* of them: *thither* therefore they betake themselves: and truly I will not balk the *Law*, nor the *Policy* of either *Body*, *Canonical* or *Civil*.

For even from thence I have collected a few passages to this purpose: sparingly indeed as becomes a *Divine*; but abundantly enough to our purpose. Nor indeed shall ye need to fear that we will take any from the *Decretals*; we shall be very scrupulous how we meddle with those dregs. Onely some few passages we shall make use of from the more *sound Decrees*; and those too before the year 400. The Decree of *Symmachus* the first, *Whosoever shall dispose of the Tithes without the consent of the Bishop, let him be Anathema.* Again, of *Anastasius* the first, *Whosoever shall detain his Tithes, let him be suspended from the Communion.* In the 29. Chap. of the *Decrees of Gelasius*, *It is meet that there be Four parts made as well of the Revenues of the Tithes, as of the Oblations of the Faithful; as was long since decreed with great reason.* But if *Parishes and Tithes, Bishops Stipends and Tithes, Clergy and Tithes* be reciprocal, as the experienced in those *times* are of opinion, then we may carry up this point a great deal higher, even to the *second Epistle of Celsus* the first, to the *first Epistle of Urban* the first, up to the very times of *Justin Martyr*. Although, were there none of all these; yet the *Canon* which is *Dist. 12.* (*Let that Custom, which is not known to usurp any thing against the Catholike Faith, stand firm.*) Especially being supported with the judgement of *Saint Augustine*, and *Saint Jerome*, (whose *Ad Casu- lan. Ad Lucan.* opinion

opinion it is, that as *the prevaricators of the Divine Laws, so, the contemners of Ecclesiastical Customes are to be curbed*) may be strong enough against the *Abrogation of Tithes.*

Arg. 12. As for the *Civil Law* (that we may satisfie our *Pollitians*;) that is so far from the opinion that they may be *abrogated*, that it frees *them* from all injury by *Prescription*, which, nevertheless, by it self alone, in other cases cancels *Laws*. For so we have it in the seventh Book of the *Code*. *Tithes* by the command of God are set apart for the *Priests*, that they, who are accounted of the *Lords Inheritance*, should live of *his inheritance*. They cannot therefore by *Privilege* of any be granted to *Laymen*, lest the authority of the supreme Magistrate should prejudice the *Divine command*. And also in the *Authenticks*, in the same Title: Thus *Justinian*. But if any *Private man* shall possess *Tithes*, either *without Title*, or *with Title*, he cannot be secure by any *prescription* of time. For those things cannot be strengthened by *tract of time*, which, by *Right*, could be of no effect at the beginning.

Tit. de prescriptione,
lege Anasta.
§. 1

I have other Testimonies at hand; but I promised brevity. The *Emperors* (as you have heard) are of opinion, that the things which belong to God may not be *abdicated*.

Arg. 13. The *Scriptures*, the *Fathers*, the *Councils*, both *Laws*, are with and for us. Now, unless *Reason* be against us, we are safe. To that, therefore, we come in the thirteenth place. But, there, to proceed distinctly, I shall divide this one Question into three Members. First, Whether *Reason* will that there be a certain allowance to the *Ministers of the Gospel*? Secondly, Whether *this* out of the *ecclesiastical profits*? Thirdly, Out of what part?

¶ I.

1. Cor. 9.

For the first: The business is long since brought to this pass by *Saint Paul*. The *Ministers of the Gospel* have

have a power to eat and drink, and not to work : the Reason. Every Laborer is worthy of his hire. Whether he cut his own Vine, or feed his own Flock : and, *the Ox must not be muzzled that treadeth out the Corn.* This is one degree. Secondly, But if any Laborer, much more Laborers in the Common-wealth. Every Souldier warreth at the publike charge, not at his own. They that assist the Common-wealth are to be assisted by the Common-wealth. But a Minister of the Gospel is a Laborer and assistant of the Common-wealth. This is a second degree. Thirdly, But if he must be maintained, who is any way profitable to the Common-wealth ; He, whose help *he useth in spiritual and eternal things*, much more ; and, <sup>In Pryta-
no.</sup> if it might be, with such additions of Fortune, as they use to be honored with, who have deserved well of the Republike. For all Reward is beneath the merit of this, and there is no comparison betwixt *Spiritual sowing*, and *Carnal reaping*. Wherefore, without doubt, Carnal things are due to them who sow *spiritual*.

I come to the second Member ; Whether out of the ^{2.} *yeerly profits* ? *Postellus*, a man of great learning, is of <sup>De Orbis
concordia.
l. 3. c. 10.</sup> this opinion. That this is a common principle engrafted in all by nature, viz. That a certain portion of the *yeerly profits* be paid to the *Ministers of the Holy things*. For it is just and agreeable to reason, that there be a *yeerly sacred tribute*, wherewith we should sacrifice to God, for the increase of our estate, as we use to keep anniversary solemnities in thankfulness. And there is all the Reason in the world for it : but whether should this be out of the profits of the ground, or by a pecuniary reward ? Reason would the former. For in all created things there is the image, and (as I may so speak) the superscription of God, as there is in Coins of the King. The tribute is distinguished by the inscription. Wherefore the Kings *fifteens*, and

subsidies (as they call them) have the Royal impression. The *Divine tribute* is not silver or brass stamp't with the image of a man, but of God himself; as there is in all *Creatures* a *Character* of the *Divine power, wisdom, and mercy*. Of that therefore let the *sacred tribute* be.

Would you have another? *Reason* will, that the *Minister* of the *Gospel* should receive his *reward* that way, wherein there may be equality of fortune, wherein the mutual *participation* of plenty and want, of joy and grief in common with the people may redound to him. It is expedient it be so. For is he sustained with the annual profits? Is it *fair weather*? He is glad, he rejoiceth, he sings *praise* to God no less willingly, then any *husbandman*: for he hath his share in that *fair weather*. Is it tempestuous? He sighes, he groans, he falls to his prayers, no less fervently, then any *husbandman*: for he hath his share too in that *tempestuous weather*. Sympathy, and Communion, that great bond of *nature*, of the *Common-wealth*, and of the *Church*, is conserved and maintained. On the contrary: Is he sustained by an *jeerily spend*? Be there *seasonable showers*? the people rejoice; he rejoiceth not: for (as we said in the beginning) *their sowing or their mowing* is nothing to him. Comes there an *unseasonable drough*? The people mourn; he mourneth not: for *their sowing or their mowing* is nothing to him. Sympathy, that great bond of *nature*, of the *Common-wealth*, of the *Church*, is dissolved. This ought not to be so: Wherefore that *Reason* is the better; which pleadeth for the *fruits of the earth*.

3. I proceed to the third; What part? The tenth. They say, that the *Positive Law* (for that is their expression) is the determination of the *Law of nature*. The *Law of nature* determineth the death of a murderer: but the *Positive Law*, the kinde of death. Again they say, the

Law

Law of nature determineth a stipend to him that ministrereth about holy things: but the Positive Law, the measure of the Tax. Yes, haply in things pertaining to the Commonwealth, there is a limitation by the Positive Law: But in Divine, in Taxing for the Church, we grant it not. God is as careful for our sustenance, as he was for the Levites: there was nothing then reserved to the Positive Law; nor therefore now. This whole point may be dispatched by Reason. The Levites had right to Tithes: But the Ministry of the Gospel, as it is more excellent in nature, ^{2 Cor 3. 8,} and more eminent in dignity, ^{9.} so, is more profitable in its use, then was theirs. Our people receive more and greater benefits from us; therefore they ought to pay more, Reason presently insinuates. What a shame is it, that Christians, who owe more, should not pay as much? If therefore men would hearken to Reason, we might possibly receive more ample fruits; not, likely, less.

For Tithe hath all the points of Equity in it. It was chosen by God; and so not without great reason; and therefore not, without great reason, to be rejected. What is alleged to the contrary? One or two, I know not what, scarce worth the name of reasons; not so much as a shadow of what we may call great reason, nay indeed not of any poor and mean.

Most equal and reasonable it is in respect of the constitution. Excellently Saint Augustine: For what is, God should say, Thou art mine, O man; this Earth, which thou tillest, is mine; these Seeds, which thou sowest, are mine; these Beasts, which thou employest, mine; the Rain and Showers, mine; the Sun and heat, mine; all mine; thou which leauest only thy hand, deservest only the Tithe; but I grant nine to thee, give me the Tithe. If thou wilt not give me the Tithe, I will take away the nine: If thou wilt give me the Tithe, I will multiply the nine. Could a more reasonable Speech possibly be made? Most

Most equal and reasonable, in respect of the *payment*. Out of the second to the *Corinthians*, the eighth Chapter and the thirteenth Verse. For then is any thing most equally disposed, when one is not *eased*, and another *burtheped*, when it is not too *loose* for one, too *strait* for another. By this, there is a most exact equality: the *Rich* are not spared, the *Poor* are not oppressed: which is the common complaint of the *Edicts* of Princes; the *Crow*, there, better than the *Dove*.

Most equal and reasonable, even by the very *light* of *nature*; I say, by the very *light* of *nature*, such as the very *Gentiles* had; that is, by that lost, rased, deformed, not renewed *Law*. By what *Law* did *Abraham* pay? Sure by no *politike* constitution (who can possibly persuade that?) no, nor by any *ceremonial law*. For there is no congruity betwixt a *ceremony* and the *eternal Priesthood*, such as was *Melchisedeks*: Therefore by the *Law* of *nature*. But to return to the *Gentiles*.

Votive Tithes are frequent in their *Histories*. Not onely by *prime* men in their several *Common-wealths*, *Pausanias* the *Athenian*, *Agessilaus* the *Spartan*, as *Xenophon* reports. *Cartalon* the *Carthaginian*, *Camillus* the *Roman*, as *Plutarch*: But also by every *Commoner*, *Stichus* in *Plautus*; by every householder as we read in *Plutarch*. How so? who declared to them the *measure* of the *Divine* portion? who was his *Accountant*, who so exactly registred it in his *Notes*, that *eight parts* belonged to the *family*; *six* whereof were to be employed, *two* to be laid up; that the *ninth* was for *Seed* against the next yeer; and the *tenth* was (*Θεῷ τιλόν*) the *Divine* Tribute.

But indeed they did not onely *Vow* them, neither was their *Tithing* onely by *Vow*, or but ever and anon, but it was their annual *solemn Rite* and *Custom*.

Alexander

L. 3. vtrum
Græcatur.

Et κατὰ τὴν
ἑσπερίαν.
Q 18.

Alexander ab Alexandro no contemptible Author reports, that the ancient Romans were wont to pay Tithes of Corn, out of their fields, and new broken up grounds. *Theophrastus* saith as much of the Egyptians, that they had the like usage. *Diodorus Siculus* as much of Sicily, when she was her own Mistress, and not a Province. And that this was the very manner of the Athenians, we may be convinced from this, because the poorest Citizens were called *Thetes*, and that from the letter *Theta*, the note of the number Nine; because, having by estimation, but nine parts onely, they were exempted from paying Tithes. Finally, it may be collected from the same Authors, that those Tithes were never employed to discharge their wages, who executed any Temporal or Lay Office in the Common-wealth; that, at first, and as long as any thing was held religious or holy, they were so too: but afterward were swallowed up in the Stomach of the Common-wealth.

Genial. diarum lib. 4. cap. 10.

De Plantis 8. sub inv.

Of what credit it is, I know not, but I remember that *Musculus* relates, that, in the first beginnings of the Church, the right and use of Tithes was taken away from the Idol-Priests, and instated on the Presbyters of the Church. But this is most certain that the places of Payment and Accounts of Tithes, though in declining times they fell into the power and possession of Kings and Princes, did at first belong to the Priests. For when in the beginning the same men were both Kings and Priests (as *Plato* reports of the Kings of Egypt, and *Virgil* of *Anius*,

1a Gen. c. 24.

King *Anius*, King of men, *Apollo's Priest*) the Priesthood being afterwards, as too hard and troublesome a companion, transfer'd from themselves to others, they did notwithstanding retain the Tithes as a dowry to themselves. But that rather by Custom than Law, & that a corrupt Custom too. For that in the Prophet *Sam. 8.*

Samuel is no description of a good King, but a Tyrant. Which makes me wonder the more at them, who would have the *Levites Tithes* to be part of the Kings Inheritance; and that Kings did part with their own Right, when *Tithes* were confer'd upon the Church. But this falls to the ground by the example of *Melchisedek*, who surpasseth the antiquity, and faith of all Histories; who, both persons, of King and Priest, meeting in him, did not receive *Tithes* by right of his Kingdom, but his Priesthood.

I should offend against the time, and against you, if I should produce any more of these mens trifles in this presence; nor would any pleasure accrue, from thence, to you, nor advantage to the cause. Nor do I alleage any new Writers, because they for the most part do rather touch upon some heads, and not apply themselves home and strongly to the cause. Any, even the most learned Author, is otherwise to be esteemed of, when he doth but salute a Question, and touch it lightly; otherwise, when he takes it to task, and thorowly discusse it. And in truth, if I would never so faintly bring them forth, yet the scales would hang even, in suspense. For (to my thinking) *Luther, Melancthon, Brentius*, would be for us: *Calvin, Martyr, Bucer*, go another way. Wherefore I will dismiss and leave you to your selves: Here shall be an end.

Two Patriarchs, as many Prophets, CHRIST, his Apostles, the whole Church, Fathers, Councils, History; both Laws, (Civil and Canon) Reason, the imperfect pieces and fragments of the Heathen, and finally, Experience it self have brought in their evidence for *Tithes*. Which if they seem to you to deserve your vote and suffrage, and to have spoken home and good Reason,

Reason, be *you*, if you please, with *me*, of the same
minde and judgment

That Tithes ought not to be abrogated.

S. MATTH. 23. 23.

*Wo unto you Scribes and Pharisees, Hypocrites, for ye pay
Tithe of Mint, and Anise, and Cumin, and have omitted
the weightier matters of the Law, Judgment, Mercy, and
Faith: these ought ye to have done, and not to leave the
other undone.*

FINIS.

Decemb. 15, 1646.

Imprimatur,

JOHN DOWNAME.